

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
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SANTA BARBARA, CALIF. 93101-2058
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June 3, 2022

John Price
4177 State Street
Santa Barbara, CA 93110

Rose T. Robertson Trust
c/o Sharon Kussman
411 Fairmont Road
Lake Oswego, OR 970344

Pamela Scott
P.O. Box 15635
Summerland, CA 93067

PLANNING COMMISSION
HEARING OF JUNE 1, 2022

RE: *Scott Appeal and Robertson Trust Appeal of the Fuel Depot/The Point Signs; 22APL-00000-00001, 22APL-00000-00012, 21SCC-00000-00006, 22BAR-00000-00062*

Hearing on the request of Pamela Scott, Appellant, to consider Case No. 22APL-00000-00001, an appeal of the Director's approval of Case No. 21SCC-00000-00006, which permitted two wall signs; and a hearing on the request of John Price and the Rose T. Robertson Trust, Applicant and Appellant, to consider Case No. 22APL-00000-00012, an appeal of the Board of Architectural Review's denial of Case No. 22BAR-00000-00062 for two wall signs. The appeals were filed in compliance with Article I Section 35-12 *Appeals* and Article II Section 35-182 *Appeals*. The subject property is zoned Limited Commercial (C-1) and is located at 2285 Lillie Avenue, Assessor's Parcel Number 005-177-005, in the Summerland Community Plan area, First Supervisorial District.

Dear Mr. Price, Ms. Kussman, and Ms. Scott:

At the Planning Commission hearing of June 1, 2022, Commissioner Cooney moved, seconded by Commissioner Martinez and carried by a vote of 5 to 0 to:

1. Deny the Appellant's appeal, Case No. 22APL-00000-00001;
2. Uphold the Applicant's appeal, Case No. 22APL-00000-00012;
3. Make the required findings for approval of the project specified in Attachment A of the staff report dated May 24, 2022, including California Environmental Quality Act (CEQA) findings;
4. Determine the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15311 [Accessory Structures];

5. Grant *de novo* approval of the project, Case No. 21SCC-00000-00006, subject to the conditions included as Attachment B of the staff report dated May 24, 2022; and
6. Grant *de novo* Preliminary and Final design review approval of Case No. 22BAR-00000-00062.

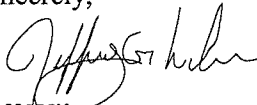
The attached findings and conditions reflect the Planning Commission's actions of June 1, 2022.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, June 13, 2022 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$709.06 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Jeff Wilson
Secretary to the Planning Commission

cc: Case File: 21SCC-00000-00006
Planning Commission File
County Chief Appraiser
Das Williams, First District Supervisor
Michael Cooney, First District Planning Commissioner

**Attachments: Attachment A – Findings
Attachment B – Conditions of Approval**

JW/dmv

ATTACHMENT A: FINDINGS OF APPROVAL

1.0 CEQA FINDINGS

The County Planning Commission finds that the Proposed Project for on-premise signs is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15311 (Accessory Structures). Please see Attachment C, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 SIGN CERTIFICATE OF CONFORMANCE

Prior to the approval or conditional approval of an application for a Sign Certificate of Conformance, the decision-maker shall first make all of the following findings (as applicable):

1. **Requirement for Sign Certificate of Conformance.**
 - a. **Except for the signs set out in (b), below, on any parcel of land within the unincorporated area of the County, no sign shall be erected, applied, installed, affixed, altered, relocated or projected as an image and no copy shall be changed without a Certificate of Conformance issued by the Planning Department. No Certificate of Conformance is required to change copy in previously approved changeable copy signs and off-premise signs; nor to repair, maintain or clean any existing sign.**
 - b. **The following signs must conform with the regulations of this article but may be erected, installed, affixed, altered or relocated without a Certificate of Conformance from the Planning Department:**
 - i. **For sale, lease or rent signs**
 - ii. **Farm organization signs**
 - iii. **Sale of farm products signs**
 - iv. **Combination farm signs**
 - v. **Temporary lot identification signs for subdivisions**
2. **No Certificate of Conformance shall be issued unless the Director of Planning and Development first determines that the property for which the certificate is requested is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, height requirements, setbacks and any other applicable provisions of this chapter, and such zoning violations enforcement fees as established from time to time by the Board of Supervisors have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures.**

The County Planning Commission finds that the proposed sign requires approval of a Sign Certificate of Conformance and complies with the applicable sign regulations of Article II. As discussed in Sections 6.4 of this staff report, dated May 24, 2022, and incorporated herein by reference, the proposed project conforms to all laws, rules, and regulations pertaining to zoning uses, subdivisions, height requirements, setbacks, and the other applicable provisions of the Article II Coastal Zoning Ordinance. The signage will be located on an existing, permitted convenience store at an existing gas service station, does not require additional services, and complies with the development standards applicable to signs in the Summerland Community Plan area pursuant to Section 35-138 of Article II. There are also no violations on the parcel, and all processing fees have been paid to date.

2.2 DESIGN REVIEW FINDINGS

A. **Findings required for all Design Review applications for sites outside of the Montecito Community Plan area.** In compliance with Section 35-184.6 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for Design Review for sites outside of the Montecito Community Plan area, the decision-maker shall first make all of the following findings:

1. **In areas designated as rural on the land use plan maps, the design, height, and scale of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.**

The Planning Commission finds that the subject property is located in an Urban area and therefore this finding is not applicable to the proposed project.

2. **In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.**

The Planning Commission finds that the proposed signs are in conformance with the scale and character of the existing community. As discussed in Sections 6.3 and 6.4 of the Planning Commission staff report dated May 24, 2022, and incorporated herein by reference, the signs comply with the sign regulations applicable to the Summerland Community Plan area as well as the Summerland Commercial Design Guidelines. Additionally, the signs are compatible with the scale and character of other signs within the commercial corridor of Summerland.

3. **Overall building shapes, as well as parts of any structure (buildings, walls, fences, screens, towers or signs) are in proportion to and in scale with other existing or permitted structures on the same site and in the area surrounding the property.**

The Planning Commission finds that the signs are in proportion to and in scale with other structures on the site and in the surrounding area. As discussed in Section 6.4 of the Planning Commission staff report dated May 24, 2022, and incorporated herein by reference, the signs comply with the size and height requirements for signs in the Summerland Community Plan area and are compatible with other signs in the project vicinity.

4. **Mechanical and electrical equipment shall be well integrated in the total design concept.**

The Planning Commission finds that there is no mechanical or other equipment proposed as part of the project.

5. **There shall be a harmony of material, color, and composition of all sides of a structure or building.**

The Planning Commission finds that the signs comply with the material requirements applicable to signs in the Summerland Community Plan area, pursuant to Section 35-138 of the Article II Coastal Zoning Ordinance. The material and colors of the signs are in harmony with the existing convenience store upon which they are attached.

6. A limited number of materials will be on the exterior face of the building or structure.

The Planning Commission finds that the signs comply with the material requirements applicable to signs in the Summerland Community Plan area, pursuant to Section 35-138 of the Article II Coastal Zoning Ordinance.

7. There shall be a harmonious relationship with existing and proposed adjoining developments, avoiding excessive variety and monotonous repetition, but allowing similarity of style, if warranted.

The Planning Commission finds that there will be a harmonious relationship between the proposed signs and existing and adjoining development. The proposed signs are in conformance with the scale and character of other signs within the commercial corridor of Summerland, where wall signs are commonplace.

8. Site layout, orientation, and location of structures, buildings, and signs are in an appropriate and well designed relationship to one another, and to the environmental qualities, open spaces, and topography of the property.

The Planning Commission finds that the layout, orientation, and location of the proposed signs are in an appropriate and well-designed relationship to one another and to the qualities, open space of the property. The project includes one wall sign on the front of the building and one wall sign on the rear of the building. Both signs comply with the size requirements for signs in the Summerland Community Plan area set forth in Section 35-138 of the Article II Coastal Zoning Ordinance.

9. Adequate landscaping is provided in proportion to the project and the site with due regard to preservation of specimen and landmark trees, existing vegetation, selection of planting which will be appropriate to the project, and adequate provisions for maintenance of all plantings.

The Planning Commission finds that the proposed project is limited to two wall signs and no landscaping is proposed nor required.

10. Signs, including their lighting, shall be well designed and shall be appropriate in size and location.

The Planning Commission finds that the proposed signs, including their lighting, are well designed and appropriate in size and location. The signs comply with the size and location requirements applicable to signs in the Summerland Community Plan area. Additionally, as discussed in Section 6.4 of the Planning Commission staff report dated May 24, 2022, and incorporated herein by reference, the proposed gooseneck lighting is fully hooded and directed downwards, consistent

with the applicable lighting requirements set forth in Article II. The gooseneck design for the lighting is consistent with other light fixtures illuminating signs elsewhere within the commercial corridor of Summerland.

11. The proposed development is consistent with any additional design standards as expressly adopted by the Board of Supervisors for a specific local community, area, or district pursuant to Section 35-144A of this Article II.

The Planning Commission finds that, as discussed in Section 6.3 of the Planning Commission staff report dated May 24, 2022, and incorporated herein by reference, the proposed signs are consistent with design standards for the Summerland Community Plan area, as set forth in the Summerland Commercial Design Guidelines.

B. Additional findings required for Board of Architectural Review applications within the Summerland Community Plan area. In compliance with Section 35-184.6.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for Design Review for sites within the Summerland Community Plan area, the decision-maker shall first make all of the following additional findings:

1. Plans for new or altered structures will be in compliance with the Summerland Residential Design Guidelines or Summerland Commercial Design Guidelines, as applicable.

The Planning Commission finds that, as discussed in Section 6.3 of the Planning Commission staff report dated May 24, 2022, and incorporated herein by reference, the proposed signs are consistent with the Summerland Commercial Design Guidelines.

2. Permitted encroachment of structures, fences, walls, landscaping, and other development, into existing public road rights-of-way is consistent in style with the urban and rural areas and minimizes visual or aesthetic impacts.

The Planning Commission finds that the proposed signs will not encroach into the existing public road rights-of-way.

3. Landscaping or other elements are used to minimize the visual impact of parking proposed to be located in front setback areas.

The Planning Commission finds that the proposed project is limited to two wall signs and does not involve parking in the front setback.

4. If Monterey or Contemporary architectural styles are proposed, the design is well executed within the chosen style, and the style, mass, scale, and materials proposed are compatible with the surrounding neighborhood.

The Planning Commission finds that the project is limited to two wall signs and does not involve Monterey or Contemporary architectural styles.

5. If located in the Rural Area:

- 1) **All structures (primary and accessory structures, including residences, garages, guest houses, barns, corrals, sheds, greenhouses, lath houses, artist studios, etc.) and private driveways are located on slopes of 20 percent or less.**
- 2) **Special attention is focused on the design of future structures in order to minimize use of large vertical faces. Large understories and exposed retaining walls shall be avoided.**
- 3) **All structures, fences, walls, and roofs are constructed using medium to dark earthtone colors and construction materials that are compatible with the natural surroundings.**
- 4) **All colors blend in with the surrounding soils, vegetation, and rock outcroppings.**
- 5) **Light colors such as white, offwhite, grey, etc., are not used.**
- 6) **Night lighting is of low intensity, and is hooded, shielded, and directed away from property boundaries.**
- 7) **Any necessary retaining walls shall be constructed in earthtones using materials or construction methods which create a textured effect and, where feasible, native groundcovers are planted to cover retaining walls from view.**
- 8) **All cut and fill slopes are planted with native drought-tolerant groundcover immediately after grading is completed.**
- 9) **All mitigation measures required for minimizing impacts to agricultural resources are applied.**

The Planning Commission finds that the project is located within the Urban area of Summerland and therefore these findings do not apply.

SIGN CERTIFICATE OF CONFORMANCE

Case No.: 21SCC-00000-00006

Project Name: Fuel Depot/The Point Signs

Project Address: 2285 Lillie Avenue

A.P.N.: 075-121-006

Related BAR Case: 22BAR-00000-00062

Related Discretionary Case: N/A



The Planning Commission hereby approves and issues a Sign Certificate of Conformance for the sign(s) described below, based upon the project's consistency with Article I (Sign Regulations) of Chapter 35 of the County Code and subject to the attached terms and conditions.

APPROVAL/ISSUANCE DATE: June 1, 2022

APPEAL PERIOD EXPIRATION DATE: June 13, 2022

NOTE: This final issuance may be appealed to the Board of Supervisors by the applicant, owner, or any interested person adversely affected by such decision within 10 days following the issuance date. The appeal must be filed in writing with P&D at 123 East Anapamu Street, Santa Barbara, CA 93101 or 624 W. Foster Road, Santa Maria, CA, 93455, within 10 calendar days following the Final Approval/Issuance Date identified above. (Section 35-12) If you have questions regarding this project please contact the planner Alex Tuttle via email at atuttle@countyofsb.org or via phone at (805) 884-6844.

ZONE DISTRICT: C-1

SIGN DESCRIPTION SUMMARY: The Project is a request for two walls signs (A – The Point Market, B – Fuel Depot), and associated light fixtures. The following structures exist on the parcel currently: convenience store (The Point Market), fuel dispensers, canopy, and trash enclosures. Wall sign 'A' measures 14.2 sq. ft. and will be externally illuminated by two gooseneck light fixtures, with a maximum wattage of 10 LED watts per fixture. Wall sign 'A' will be constructed of non-reflective aluminum pin letters, and affixed to the front of the existing convenience store. Wall sign 'B' measures 42.5 sq. ft., and will be externally illuminated by four gooseneck light fixtures, with a maximum wattage of 10 LED watts per fixture. Wall sign 'B' will be constructed of a Medium Density Overlay (MDO) panel (i.e. weather resistant plywood), painted with matte colors, and affixed to the rear of the existing convenience store.

PROJECT SPECIFIC CONDITIONS: See Attachment A

TERMS OF PERMIT ISSUANCE:

NOTE: This Sign Certificate of Conformance serves as the Approval and Issuance for the sign(s) listed above. Issuance of a permit for this project does not allow construction or use outside of the project description, or terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County Policy, Ordinance or other governmental regulation

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

Print Name

Signature

Date

Planning & Development Issuance by:

Planner

Date

/

ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

1. **Proj Des-01 Project Description:** This SCC is based upon and limited to compliance with the project description and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The Project is a request for two walls signs (A – The Point Market, B – Fuel Depot), and associated light fixtures. The following structures exist on the parcel currently: convenience store (The Point Market), fuel dispensers, canopy, and trash enclosures. Wall sign ‘A’ measures 14.2 sq. ft. and will be externally illuminated by two gooseneck light fixtures, with a maximum wattage of 10 LED watts per fixture. Wall sign ‘A’ will be constructed of non-reflective aluminum pin letters, and affixed to the front of the existing convenience store. Wall sign ‘B’ measures 42.5 sq. ft., and will be externally illuminated by four gooseneck light fixtures, with a maximum wattage of 10 LED watts per fixture. Wall sign ‘B’ will be constructed of a Medium Density Overlay (MDO) panel (i.e. weather resistant plywood), painted with matte colors, and affixed to the rear of the existing convenience store. The property is a 0.38-acre parcel zoned C-1 and shown as Assessor’s Parcel Number 005-177-005 located at 2285 Lillie Avenue in the Summerland area, First Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions By Issue Area

3. **Aest-04 BAR Required:** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to Case No. 22BAR-00000-

00062.

TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to Building Permit issuance. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.

MONITORING: The Owner/Applicant shall demonstrate to Building Inspection staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

4. **Aest-10a Lighting:** The Owner/Applicant shall ensure any exterior night lighting, including driveway and walkway lighting installed on the project site is dark sky compliant per Section 35-191.9 of the Article II Coastal Zoning Ordinance. All lighting fixtures shall be fully shielded/full cut-off (having a solid barrier that emits no light rays above the horizontal plane and effectively obscures the visibility of the lamp). Lighting shall be of low intensity, the minimum wattage needed, and of minimum height. Up-light illumination of any landscaping and building facades is not permitted. Floodlight type lighting fixtures are not permitted. The Owner/Applicant shall install motion sensors or otherwise ensure lights are dimmed after 9:00 p.m. All illuminated advertising signs on and off premises shall be off between 11:00 p.m. and sunrise, except that on-premises signs may be illuminated while the business is open to the public.

PLAN REQUIREMENTS: The Owner/Applicant shall develop a Lighting Plan for P&D and BAR approval incorporating these requirements and including the following:

- a. Plans showing the locations of all outdoor lighting fixtures.
- b. Description of the outdoor lighting fixtures including manufacturers catalog cuts and drawings. Descriptions and drawings should include lamp or bulb type, wattage, lumen output, beam angle, and shielding.

TIMING: P&D shall review a Lighting Plan for compliance with this measure prior to Building Permit issuance.

MONITORING: Building and Safety inspection staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan prior to Final Building Inspection Clearance.

5. **Noise-02 Construction Hours:** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable

Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

MONITORING: Building inspectors shall spot check and respond to complaints.

County Rules and Regulation

6. **Rules-01 Effective Date-Not Appealable to CCC:** This SCC shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit.
7. **Rules-03 Additional Permits Required:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
8. **Rules-23 Processing Fees Required:** Prior to issuance of the SCC, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
9. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
10. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.